

Applicant(s)	Nichols	<u>PRE-APPEAL BRIEF REQUEST FOR REVIEW</u>
Serial No.	10/087,610	
Filing Date	3/1/2002	
Group Art Unit	2611	
Examiner Name	WONG, LINDA	
Confirmation No.	7953	
Attorney Docket No.	100.152US01	
Title: DIGITAL PLL WITH CONDITIONAL HOLDOVER		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the Final Office Action mailed on November 5, 2009 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below.

REMARKS

Claims 1, 4, 5, 7, 8, 9, 26, 28, 33, 34 were rejected under 35 USC § 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 4,849, 993) in view of McCullagh et al. (U.S. Publication No. 2002/0022465).

The Final Office Action failed to explain where the **actual** language from claim 1 of the present application is taught in the cited references.

Claim 1 of the present application recites, in relevant part, “a processor coupled to the oscillator, wherein **the processor** is further coupled to **receive** a status message **from a source of the reference clock signal** indicative of a quality level of the reference clock signal”.

The Final Office Action took the position that the alleged “processor” (the monitor 26 of FIG. 1 or the reference select 58 of FIG. 3a of Johnson) monitors the reference clock signal and outputs some type of signal that is indicative of the reference clock. However, the actual language of claim 1 requires that the processor **receive a status message** indicative of a quality level of the reference clock signal and that the status message be received by the processor **from a source of the reference clock signal**.

The Final Office Action’s response to a similar argument made by Applicant in Applicant’s response to the Office Action mailed on April 2, 2009 only explains how the alleged processor monitors the reference clock signal and outputs some type of signal that is indicative of the reference clock, which does not address the actual claim language from claim 1.

Serial No.: 10/087,610

Filing Date: 3/1/2002

Attorney Docket No. 100.152US01

Title: DIGITAL PLL WITH CONDITIONAL HOLDOVER

Applicant respectfully submits that arguments similar to those set forth above apply to all of the outstanding rejections. Applicant, however, does not concede any assertion made in the Final Office Action with respect to these claims and reserves the right to provide additional arguments directed to these claims if a further response is required.

Serial No.: 10/087,610

Filing Date: 3/1/2002

Attorney Docket No. 100.152US01

Title: DIGITAL PLL WITH CONDITIONAL HOLDOVER

CONCLUSION

Applicant respectfully submits that claims **1, 2, 4, 5, 7-10, 12, 13, 15-17, 20-22, 24-26, 28 and 30-34** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 2010-01-05	/Jon M. Powers/
------------------	-----------------

Jon M.Powers
Reg. No. 43868

Attorneys for Applicant
Fogg & Powers LLC
5810 W. 78th Street, Ste. 100
Minneapolis, MN 55439
T – (952) 465-0770
F – (952) 465-0771